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Order 2002-7-28

Served: July 19, 2002



**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C.**

Issued by the Department of Transportation  
on the 14th day of May, 2002

Joint application of

**SUN COUNTRY AIRLINES, INC.  
and  
MN AIRLINES, LLC  
d/b/a SUN COUNTRY AIRLINES**

Docket OST-02-11861-9

for approval of a transfer of certificate authority  
under 49 U.S.C. 41105

**ORDER TRANSFERRING SCHEDULED CERTIFICATE AUTHORITY  
AND CANCELING CHARTER CERTIFICATE AUTHORITY**

By Order 2002-5-12, issued May 14, 2002, we found MN Airlines, LLC d/b/a Sun Country Airlines fit to conduct interstate and foreign scheduled air transportation operations, and transferred to the company the interstate scheduled certificate previously issued to Sun Country Airlines, Inc. By this order, we transfer to MN Airlines the foreign scheduled certificate authority previously issued to Sun Country Airlines by Orders 96-6-42, served June 21, 1996 (Route 623; Norway, Denmark, and Sweden), and 97-10-8, served October 16, 1997 (Route 746; Aruba, Bahamas, Barbados, Dominican Republic, and Jamaica). The transferred certificates will be subject to the same aircraft limitation and reporting requirement imposed by Order 2002-5-12.

However, as we noted in Order 2002-5-12, the foreign charter certificate held by Sun Country Airlines is redundant under our rules as MN Airlines is authorized to engage in worldwide charter operations under the scheduled certificate authority it now holds.<sup>1</sup> Therefore, by this order we will cancel the foreign charter certificate issued to Sun Country Airlines by Order 96-6-42.

<sup>1</sup> See 49 U.S.C. 41109(a)(5) and 14 CFR section 212.1.

**ACCORDINGLY,**

1. We transfer to MN Airlines, LLC d/b/a Sun Country Airlines, the foreign scheduled air transportation certificates issued to Sun Country Airlines, Inc., by Orders 96-6-42, served June 21, 1996 (Route 623), and 97-10-8, served October 16, 1997 (Route 746), and we reissue these certificates in the attached form to reflect the transfer of authority.
2. We cancel, as redundant, the foreign charter certificate issued Sun Country Airlines, Inc., by Order 96-6-42, served June 21, 1996.
3. Unless disapproved by the President of the United States under 49 U.S.C. 41307, this order shall become effective on the 61st day after its submission for section 41307 review or upon the date of receipt of advice from the President or his designee under Executive Order 12597 and implementing regulations that he or she does not intend to disapprove the Department's order under that section, whichever occurs earlier.<sup>2</sup>
4. Should MN Airlines, Inc. d/b/a Sun Country Airlines propose to conduct operations with more than seven aircraft, we direct it to notify the Department in writing at least 45 days prior to the proposed operations and demonstrate its fitness to conduct such operations before their commencement.
5. We will serve a copy of this order on the persons listed in Attachment A.

By:

**READ C. VAN DE WATER**  
Assistant Secretary for Aviation  
and International Affairs

(SEAL)

*An electronic version of this document is available on the World Wide Web at:  
<http://dms.dot.gov>.*

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<sup>2</sup> This order was submitted for section 41307 review on May 14, 2002. On July 18, 2002, we received notification that the President's designee under Executive Order 12597 and implementing regulations did not intend to disapprove the Department's order.



**Certificate of Public Convenience and Necessity  
for  
Foreign Air Transportation**

**Route 623**

**(as reissued)**

*This Certifies That*

**MN AIRLINES, LLC  
d/b/a Sun Country Airlines**

*is authorized, subject to the provisions of Subtitle VII of Title 49 of the United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in foreign air transportation of persons, property, and mail.*

*This Certificate is not transferable without the approval of the Department of Transportation.*

*By Direction of the Secretary*

*Issued by Order 2002-7-28  
On May 14, 2002  
Effective on July 18, 2002*

*Read C. Van de Water  
Assistant Secretary for  
Aviation and International Affairs*

*Attachment*

*\*As reissued by Order 2002-7-28*



*Terms, Conditions, and Limitations*

**MN AIRLINES, LLC**  
**d/b/a Sun Country Airlines**

*is authorized to engage in foreign air transportation of persons, property, and mail:*

*Between a point or points in the United States, via other intermediate points, and a point or points in Norway, Denmark, and Sweden.*

*This authority is subject to the following provisions:*

- (1) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.*
- (2) The holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any order of the Department of Transportation issued under them. To the extent that the holder has authority to serve more than one country or points in more than one country on the same route segment, that authority does not confer upon the holder any additional rights (including fifth-freedom intermediate and/or beyond rights) in limited-entry markets unless the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights and has notified the foreign country(ies) involved that any such selected carrier(s) has the required authority. In such cases, the fact that the carrier may hold authority to serve the countries (points) at issue on the same segment will not be considered as providing any preference to the holder in a carrier selection proceeding.*
- (3) The exercise of the authority granted here is subject to the holder's first obtaining from the appropriate foreign governments such operating rights as may be necessary.*

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*\*This certificate is being reissued to reflect the transfer of authority from Sun Country Airlines, Inc., to MN Airlines, LLC d/b/a Sun Country Airlines.*

(4) *The holder's authority is effective only to the extent that such operations are also authorized by the FAA, and comply with all Department of Transportation requirements concerning security.*

(5) *The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).*

(6) *The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of Title 49 of the United States Code or the Department's regulations shall be sufficient grounds to revoke this certificate.*

(7) *The holder is authorized to conduct charter flights in interstate and/or foreign air transportation in accordance with the provisions of 14 CFR 212.*

(8) *Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(l)), it must first comply with the requirements of 14 CFR 204.5.*

(9) *In the event that the holder ceases all operations for which it was found "fit, willing, and able," its authority under this certificate shall be suspended under the terms of 14 CFR 204.7 and the holder may neither recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.*



**Certificate of Public Convenience and Necessity  
for  
Foreign Air Transportation**

**Route 746**

**(as reissued)**

*This Certifies That*

**MN AIRLINES, LLC  
d/b/a Sun Country Airlines**

*is authorized, subject to the provisions of Subtitle VII of Title 49 of the United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in foreign air transportation of persons, property, and mail.*

*This Certificate is not transferable without the approval of the Department of Transportation.*

*By Direction of the Secretary*

*Issued by Order 2002-7-28  
On May 14, 2002  
Effective on July 18, 2002*

*Read C. Van de Water  
Assistant Secretary for  
Aviation and International Affairs*



*Terms, Conditions, and Limitations*

**MN AIRLINES, LLC**  
**d/b/a Sun Country Airlines**

*is authorized to engage in foreign air transportation of persons, property, and mail:*

*Between a point or points in the United States and a point or points in Aruba, the Bahamas, Barbados, Dominican Republic, and Jamaica.*

*This authority is subject to the following provisions:*

*(1) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.*

*(2) The holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any order of the Department of Transportation issued under them. To the extent that the holder has authority to serve more than one country or points in more than one country on the same route segment, that authority does not confer upon the holder any additional rights (including fifth-freedom intermediate and/or beyond rights) in limited-entry markets unless the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights and has notified the foreign country(ies) involved that any such selected carrier(s) has the required authority. In such cases, the fact that the carrier may hold authority to serve the countries (points) at issue on the same segment will not be considered as providing any preference to the holder in a carrier selection proceeding.*

*(3) The exercise of the authority granted here is subject to the holder's first obtaining from the appropriate foreign governments such operating rights as may be necessary.*

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(9) *In the event that the holder ceases all operations for which it was found "fit, willing, and able," its authority under this certificate shall be suspended under the terms of 14 CFR 204.7 and the holder may neither recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.*



**SERVICE LIST FOR MN AIRLINES, LLC**

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